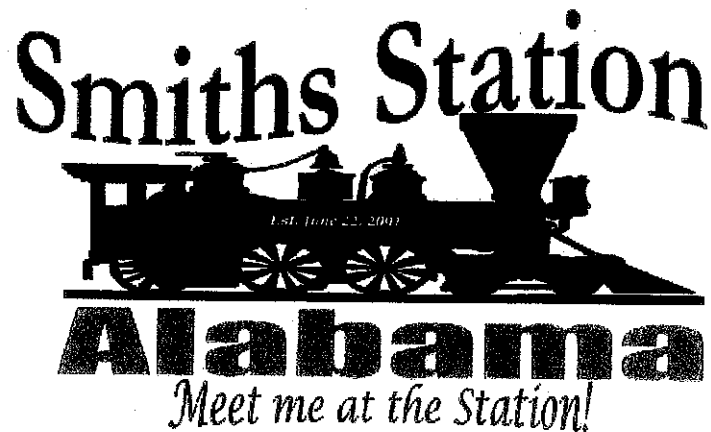


**CITY OF SMITHS STATION
ALABAMA**

SUBDIVISION REGULATIONS



**RESOLUTION PC-2006-001
MAY 02, 2006
EFFECTIVE DATE: May 11, 2006**

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

1278 334
HISC Book & Page

TABLE OF CONTENTS

| | |
|---|-----------|
| ARTICLE I - PURPOSE, POLICY, AND TITLE..... | 3 |
| SECTION 1-1. PURPOSE..... | 3 |
| SECTION 1-2. POLICY..... | 3 |
| SECTION 1-3. TITLE..... | 4 |
| SECTION 1-4. EFFECTIVE DATE..... | 4 |
| ARTICLE II - AUTHORITY, JURISDICTION AND AMENDMENTS..... | 5 |
| SECTION 2-1. AUTHORITY..... | 5 |
| SECTION 2-2. JURISDICTION..... | 5 |
| SECTION 2-3. ENFORCEMENT..... | 5 |
| SECTION 2-4. AMENDMENTS..... | 6 |
| SECTION 2-5. BOARD OF DEVELOPERS..... | 6 |
| ARTICLE III - DEFINITIONS | 7 |
| SECTION 3-1. USAGE..... | 7 |
| SECTION 3-2. DEFINITION OF TERMS..... | 7 |
| ARTICLE IV - APPROVAL OF SUBDIVISION PLATS..... | 14 |
| SECTION 4-1. APPROVAL OF SUBDIVISION PLATS REQUIRED..... | 14 |
| SECTION 4-2. PRE-APPLICATION REVIEW..... | 14 |
| SECTION 4-3. GENERAL REQUIRED PROCEDURES FOR APPROVAL OF PLATS..... | 15 |
| SECTION 4-4. PRELIMINARY REVIEW..... | 15 |
| SECTION 4-5. SUBMISSION OF THE FINAL PLAT..... | 19 |
| ARTICLE V - DEVELOPMENT STANDARDS | 23 |
| SECTION 5-1. MINIMUM STANDARDS..... | 23 |
| SECTION 5-2. GENERAL REQUIREMENTS..... | 23 |
| SECTION 5-3. ROAD OR STREET PLAN..... | 24 |
| SECTION 5-4. DESIGN STANDARDS..... | 28 |
| SECTION 5-5. BLOCKS..... | 32 |
| SECTION 5-6. LOTS..... | 32 |
| ARTICLE VI - INSTALLATION OF PERMANENT REFERENCE POINTS..... | 34 |
| SECTION 6-1. PERMANENT REFERENCE POINTS..... | 34 |
| ARTICLE VII - REQUIRED IMPROVEMENTS..... | 35 |
| SECTION 7-1. IMPROVEMENTS..... | 35 |

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

1278 335
MSC Book & Page

| | |
|--|---------------|
| ARTICLE VIII - GUARANTEE OF COMPLETION OF IMPROVEMENTS | 38 |
| <i>SECTION 8-1. INSTALLATION OF REQUIRED IMPROVEMENTS.....</i> | <i>38</i> |
| <i>SECTION 8-2. IMPROVEMENTS, INSPECTION AND CERTIFICATION.....</i> | <i>38</i> |
| <i>SECTION 8-3. REDUCTION OF GUARANTEES.....</i> | <i>39</i> |
| <i>SECTION 8-4. RELEASE OF GUARANTEE</i> | <i>39</i> |
| ARTICLE IX - VARIANCES | 40 |
| <i>SECTION 9-1. GENERAL</i> | <i>40</i> |
| <i>SECTION 9-2. CONDITIONS</i> | <i>41</i> |
| ARTICLE X - CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS..... | 42 |
| <i>SECTION 10-1. PUBLIC PROVISIONS.....</i> | <i>42</i> |
| <i>SECTION 10-2. PRIVATE PROVISIONS.....</i> | <i>42</i> |
| ARTICLE XI - LEGAL PROVISIONS | 43 |
| <i>SECTION 11-1. SEVERABILITY</i> | <i>43</i> |
| <i>SECTION 11-2. SAVINGS PROVISION.....</i> | <i>43</i> |
| <i>SECTION 11-3. INCORPORATION BY REFERENCE.....</i> | <i>43</i> |
| APPENDIX I - SAMPLE CERTIFICATES | 44 |
| APPENDIX II - SAMPLE APPLICATIONS | 51 |
| APPENDIX III - ACCEPTANCE OF ROADS AND STREETS FOR COUNTY MAINTENANCE | 55 |
| APPENDIX IV - AMENDMENTS | 56 |

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

1278 336
NISC Book & Page

ARTICLE I

PURPOSE, POLICY, AND TITLE

- 1-1 PURPOSE
- 1-2 POLICY
- 1-3 TITLE
- 1-4 EFFECTIVE DATE

SECTION 1-1. PURPOSE

The subdivision regulations set out herein have been adopted pursuant to authority granted by Title 11, Chapter 52, Article 1 et seq. Code of Alabama 1975, to establish procedures and standards for the design and development of proposed subdivisions or additions to existing subdivisions within the subdivision jurisdiction of the City of Smiths Station, Alabama, (here and after referred as the "City") as defined by Article II, Section 2-2 of these subdivision regulations. These regulations shall be applicable to the development of any subdivision within the City's subdivision jurisdiction, and shall include, at minimum, the minimum size of lots, the planning and construction of all public streets and roads, drainage structures, and proper placement of public utilities to be located in a subdivision. (Authority: Code of Alabama 1975) Additionally, unless waived by the City Council, these regulations shall also apply to the plat approval for developments within the territorial jurisdiction of a municipal planning commission. [Authority: Code of Alabama 1975, ' 11-52-1 et seq.]

It is not the purpose of these regulations to govern the acceptance of roads for maintenance by Lee County (here and after referred to as County). The current policy for acceptance of roads by the County is located in Appendix V of these regulations.

SECTION 1-2. POLICY

- a. It is hereby declared to be the policy of the City to consider the subdivision of land and the subsequent development of the subdivided land subject to the control and regulation of the City pursuant to the authority granted to the City by Code of Alabama 1975, ' 11-52 -1 et seq., and Act 90-195.
- b. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace. Except as exempted by these regulations, no land shall be subdivided until proper provision has been made for drainage, sewerage disposal, and streets, and approval has been granted in accordance with the procedures prescribed by Code of Alabama 1975, '11-52-1 et seq., Act 90-195, and as set out in these regulations.
- c. Prior to the actual sale, offering for sale, transfer, or lease of any lots for the purpose of creating, establishing, or modifying a subdivision, any owner or developer of land which lies within the area of the City's subdivision jurisdiction shall submit the plat of the

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

1278 337
HISC Book & Page

proposed subdivision to the City of Smiths Station Planning Commission (here and after referred to as Planning Commission) for approval in accordance with the procedures prescribed by Code of Alabama 1975, '11-52-32 et seq., Act 90-195, and as set out in these regulations.

- d. No owner or developer may proceed with construction improvements in a subdivision until the proposed plans and specifications have been given a preliminary review by the County Engineer or his or her designee. Notification will be given to the owner or developer by the Lee County Engineer or his or her designee that the submitted plans and specifications, to the best of their belief, meets the rules and regulations for the minimum size of lots; the planning and construction of public streets, public roads, and drainage structures; and the placement of public utilities. This preliminary review and notification does not relieve the owner or developer, their engineer, and their surveyor from their responsibility to meet the adopted rules and regulations in accordance with the Code of Alabama 1975, ' 11-52-1 et seq., Act 90-195, and as set out in these regulations.
- e. No sub divider shall proceed with the sale of lots, lease of lots, or erection of buildings, excluding public utility structures, within a subdivision until such subdivision plat has been granted Final Plat Approval entered in writing on the plat and signed by the Chairman of the City Planning Commission and recorded in the office of the Probate Judge of Lee County in accordance with the procedures prescribed by Code of Alabama 1975, ' 11-52-1 et seq., Act 90-195, and as set out in these regulations.
- f. Any violations of this policy may subject the owner or developer to penalties as set out in Article II, Section 2-3 of these regulations and Code of Alabama 1975, ' 11-52-1 et seq.

SECTION 1-3. TITLE

The regulations shall hereafter be known, cited and referred to as the Subdivision Regulations of the City of Smiths Station, Alabama.

SECTION 1-4. EFFECTIVE DATE

The regulations set out herein shall be in force and applicable to the development of all subdivisions in the five (5) mile Planning Jurisdiction of the City of Smiths Station on **May 11, 2006 as provided in Resolution PC2006-001.**

Adopted by resolution this the 02nd day of May, 2006.

1270 338
NISC Book & Page

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

ARTICLE II

AUTHORITY, JURISDICTION AND AMENDMENTS

- 2-1 AUTHORITY
- 2-2 JURISDICTION
- 2-3 ENFORCEMENT
- 2-4 AMENDMENTS
- 2-5 BOARD OF DEVELOPERS

SECTION 2-1. AUTHORITY

By a Resolution of the City Council, adopted pursuant to the powers and jurisdiction granted by Code of Alabama 1975, ' 11-52-32 et seq., the City does hereby exercise the power and authority to review, approve, and disapprove plats for all subdivisions within the planning jurisdiction of the City. The City Planning Commission further does hereby exercise the authority to inspect any development within its planning jurisdiction to ensure that there are no violations of its rules and regulations and to charge fees for said inspection as set out in Article IV, Section 4-5-2 of these regulations and Code of Alabama 1975, ' 11-52-1 et seq.

SECTION 2-2. JURISDICTION

From and after the effective date set out in Article I, Section 1-4, these regulations shall govern each and every subdivision of land in all of the City and Planning Jurisdiction. For subdivisions within the territorial jurisdiction of any existing or future municipal planning commission organized pursuant to the procedures set out in Code of Alabama 1975, ' 11-52-1 et seq., the City's jurisdiction shall be in accordance with and limited to the provisions of Code of Alabama 1975, ' 11-52-1 et seq. regarding approval of plats.

SECTION 2-3. ENFORCEMENT

It shall be the duty of the County Engineer to enforce the regulations and notify the Planning Commission of any violations or lack of compliance with these regulations.

2-3-1. PROPERTY INSPECTION

In its effort to monitor compliance with these regulations, the City may employ inspectors to ensure that these rules and regulations are not violated and that all plans and specifications of the owner or developer are not in conflict with these rules and regulations. The City may charge inspection fees as provided in Article IV, Section 4-5-2 of these regulations and Code of Alabama 1975, '11-52-1 et seq., to be paid by the owners of the property inspected.

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

1278 339
MISC Book & Page

2-3-2. VIOLATIONS/ PENALTIES

Pursuant to Code of Alabama 1975, '11-52-1 et seq. any owner or developer who violates any provision of Code of Alabama 1975, '11-52-1 et seq., Act 90-195 or any of the regulations set out herein shall be subject to a fine of not less than two hundred and fifty dollars (\$ 250) but not to exceed one thousand dollars (\$1,000) per lot that has been sold, offered for sale, transferred, or leased to the public.

The City Council is authorized to bring a civil action in any court of competent jurisdiction to enjoin any action of an owner or developer which is in violation of the provisions of Code of Alabama 1975, ' 11-52-1 et seq., Act 90-195 or any of the regulations set out herein. In such action, the City Council shall be entitled to seek an injunction and may recover penalties as set out in these regulations and Code of Alabama 1975, '11-52-1 et seq.

SECTION 2-4. AMENDMENTS

The City Planning Commission may adopt amendments to increase the effectiveness of these regulations or expedite the approval of subdivision plats by majority vote of the City Council.

SECTION 2-5. BOARD OF DEVELOPERS

As provided in Code of Alabama 1975, ' 11-24-1(c), the City may establish a board of developers to make suggestions to the Commission regarding the contents of the subdivision regulations, suggest revisions to the subdivision regulations, and assist in resolving disputes between developers and the City. If such a board is established, its procedures, policies, and authority shall be added as an amendment to the City's subdivision regulations.

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

ARTICLE III

1278 340
MISC Book & Page

DEFINITIONS

3-1 USAGE

3-2 DEFINITION OF TERMS

SECTION 3-1. USAGE

For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations".

A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure" and includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

Any reference to a manual or publication refers to the current or latest edition. References will be encountered mainly in the Design Standard section (Section 5-4).

SECTION 3-2. DEFINITION OF TERMS

- 3-2-1 **ACCESS:** Deeded portion of property or lot that provides travelway to a public city, county, or state road. All access must have thirty (30) foot minimum width from the city, county, or state road to the building site. [In Section 3-2-56(d) excluded parcels must have a minimum of sixty (60) foot access.]
- 3-2-2 **ADT (AVERAGE DAILY TRAFFIC):** total volume of vehicles during a given time period, in whole days, as measured during a non-holiday weekday.
- 3-2-3 **ALLEY:** A public right-of-way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on some other street.
- 3-2-4 **APPLICANT:** The owner of land proposed to be subdivided or a person designated in writing by the legal owner as his or her representative.
- 3-2-5 **ARTERIAL:** A road or street which connects areas that produce a large amount of trip generation. Arterials have a dual function to move traffic and to provide access to land uses, particularly the high trip-generating commercial activities.

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

1278 341
MISC Book & Page

- 3-2-6 **BLOCK:** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways or other boundary lines.
- 3-2-7 **BUILDING:** Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.
- 3-2-8 **BUILDING SETBACK LINE:** A line parallel to the property line fronting the street over which no structure may be erected.
- 3-2-9 **COLLECTOR STREET:** A route whose primary function is to collect traffic from an area and move it to the arterial street system while also providing substantial service to abutting land use, and which typically does not have extensive continuity.
- 3-2-10 **CONSTRUCTION PLANS:** Plans detailing the design and requirements for the construction of public improvements. These plans shall detail such items as the location of all existing and proposed roads, plan and profiles of all roads, curve data, hydraulic data, etc. (See Section 4-4-5 for complete list of items required.)
- 3-2-11 **CORNER LOT:** A lot which occupies the interior angle at the intersection of street lines.
- 3-2-12 **COUNTY:** The County of Lee, Alabama.
- 3-2-13 **CITY ADMINISTRATOR:** The duly designated Administrator or City Clerk of Smiths Station, Alabama.
- 3-2-14 **CITY COUNCIL:** The City Council of Smiths Station, Alabama.
- 3-2-15 **COUNTY ENGINEER:** The duly designated Engineer or his/her agent of the City of Smiths Station, Alabama.
- 3-2-16 **CITY SPECIFICATIONS:** All construction specifications which have been adopted by the City Council or as required by the County Engineer and all utility departments.
- 3-2-17 **CUL-DE-SAC:** A minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- 3-2-18 **DAY:** A calendar day.
- 3-2-19 **DEDICATION:** The transfer of property from private to public ownership.
- 3-2-20 **DEVELOPER:** The owner of land proposed to be subdivided or a person designated in writing by the legal owner as his or her representative.
- 3-2-21 **DEVELOPMENT:** Includes but is not limited to, the design work of lot layout, the construction of drainage structures, the construction of buildings or public use areas, the planning and construction of public streets and public roads, and the placement of utilities.
- 3-2-22 **DEPTH OF LOT:** The mean horizontal distance between the front and rear lot lines.

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

1278 342
NISC Book & Page

- 3-2-23 **DOUBLE FRONT LOT:** A lot having frontage on two (2) non-intersecting streets as distinguished from a corner lot.
- 3-2-24 **EASEMENT:** A grant by the property owner of use, by the public, a corporation, or person(s) of a strip of land for specified purposes or as created by operation of law.
- 3-2-25 **EXPRESSWAY OR FREEWAY:** Facilities that accommodate a high volume of traffic through the prohibiting of ingress and egress except at controlled intervals. Freeways involve complete control of access while expressways permit at grade intersections at infrequent intervals. The expressway or freeway has only one function - to carry traffic.
- 3-2-26 **ENGINEERING PLAN:** A post construction record giving details of construction and locations of improvements as they were built or installed.
- 3-2-27 **FINAL PLAT:** A plat of a tract of land which meets the requirements of these regulations and is in form for recording in the Office of the Probate Judge of Lee County, Alabama.
- 3-2-28 **FLOODPROOFING:** Any combination of structural or nonstructural additions, changes, or adjustments which reduce or eliminate flood damage to real property, or improved real property, water supply and sanitary sewer facilities, electrical systems, and structures and their contents.
- 3-2-29 **FLOODWAY:** The stream channel and the portion of the adjacent floodplain which must be reserved solely for the passage of flood-waters in order to prevent an increase in upstream flood heights of more than one (1) foot above the predevelopment conditions. For the purpose of these regulations, floodways shall be defined as follows:
1. The floodways as identified in the Flood Insurance Study for Lee County, Alabama.
 2. Along small streams and Watercourses: All lands lying within twenty-five (25) feet of the top of the bank of the channel (measured horizontally), unless the developer demonstrates to the satisfaction of the County Engineer that a lesser distance (but not less than fifteen (15) feet) is adequate based on the watershed characteristics and probable storm runoff for the 100-year flood projections for the area.
- 3-2-30 **FLOODING, LAND SUBJECT TO:** For the purpose of these regulations, land subject to flooding shall be defined as follows:
1. The lands identified as having special flood hazards by the Office of Federal Insurance and Hazard Mitigation. The lands identified as subject to inundation by the 100-year flood projections and all lands lying below the 100-year flood elevations as demonstrated by the maps and charts contained in the Flood Insurance Study for Lee County, Alabama, as prepared by the Federal Emergency Management Agency (FEMA), Office of Federal Insurance and Hazard Mitigation, and all subsequent revisions thereto, which are made a part of these regulations.
 2. Along Small Streams and Watercourses: All lands lying within one hundred (100) feet of the top of the bank of the channel (measured horizontally) unless the

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

developer demonstrates to the satisfaction of the City/County Engineer that the property in question is free from the danger of inundation by the 100-year flood projections or that adequate remedial measures have been taken to allow the watercourse to safely accommodate the 100-year flood projections.

- 3-2-31 **FLOOD, ONE HUNDRED (100) YEAR:** A flood that has, on the average, a one (1) percent chance of being equaled or exceeded in any given year.
- 3-2-32 **FLOOD, TEN (10) YEAR:** A flood that has, on average, been equaled or exceeded at a frequency of once every ten (10) years.
- 3-2-33 **FLOOD, TWENTY-FIVE YEAR:** A flood that has on average been equaled or exceeded at a frequency of once every twenty-five (25) years.
- 3-2-34 **HARDSHIP:** An unusual situation on the part of an individual property owner which will not permit the full utilization of property. A hardship exists only when it is not self-created.
- 3-2-35 **HEALTH DEPARTMENT:** Alabama State Department of Public Health or Lee County Health Department.
- 3-2-36 **IMMEDIATE FAMILY MEMBER:** Includes the owner's husband, wife, children, brothers, sisters, parents, stepparents, stepchildren, grandchildren, step grandchildren and grandparents or spouse's brothers, sisters, parents, stepparents, stepchildren, grandchildren, step grandchildren and grandparents.
- 3-2-37 **LICENSED ENGINEER:** An engineer properly licensed and registered in the State of Alabama.
- 3-2-38 **LICENSED LAND SURVEYOR:** A land surveyor properly licensed and registered in the State of Alabama.
- 3-2-39 **LOT:** A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, lease or rental, or for building development.
- 3-2-40 **MARGINAL ACCESS:** A service road or other treatment used to provide adequate protection of properties in cases where an arterial runs through or near a subdivided area.
- 3-2-41 **MAJOR SUBDIVISION:** See Section 3-2-57(a), Subdivision Categories.
- 3-2-42 **MINOR ROAD OR STREET:** A route used to connect collector roads in a road system and service only the residents of that road.
- 3-2-43 **MINOR SUBDIVISION:** See Section 3-2-57(b), Subdivision Categories.
- 3-2-44 **MONUMENT:** A permanent object serving to indicate a limit or to mark a boundary.

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

- 3-2-45 **OWNER:** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.
- 3-2-46 **OWNER'S ENGINEER OR SURVEYOR:** The engineer or land surveyor registered and in good standing with the State Board of Registration of Alabama who is the agent in his professional capacity of the owner of land which is proposed to be subdivided or which is in the process of being subdivided.
- 3-2-47 **PERMANENT REFERENCE POINTS:** The Minimum Technical Standards set out and required by the Alabama Society of Professional Land Surveyors.
- 3-2-48 **PRELIMINARY PLAT:** A tentative plan of the proposed subdivision as submitted to the County Engineer as detailed in Section 1-2(d) and Section 4-4 of these subdivision regulations.
- 3-2-49 **PROBATE JUDGE:** The Judge of Probate of Lee County, Alabama.
- 3-2-50 **RESUBDIVISION:** A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.
- 3-2-51 **ROAD OR STREET:** A public right-of-way for vehicular traffic that affords the principal means of access to abutting property.
1. **CITY ROAD:** Public road maintained by the city.
 2. **COUNTY ROAD:** Public road maintained by the county.
 - a. **DEEDED:** A road deeded to and accepted by the city or county as a city or county road.
 - b. **DEDICATED:** A road dedicated or deeded to the city or county for public use and accepted by the City or County as a city or county road.
 - c. **PRESCRIPTIVE:** An open, defined roadway in continuous use by the public as a highway without let or hindrance for a period of twenty (20) years. This is a factual determination taking into consideration things such as use by the public and as a mail or school bus route, maintenance by the county, length of use, etc. Prescriptive road is a county road even though it has not been constructed or formally accepted by the city.
 3. **PUBLIC ROAD:** Street or road that has been:
 - a. Constructed for public use;
 - b. Established by statutory proceedings; or
 - c. Dedicated for public use.

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

4. **PRIVATE ROAD:** Road not owned or maintained by the city, county, or state whether or not it has public access.

5. **STATE ROAD:** Public road owned or maintained by the state of Alabama.

3-2-52 **SETBACKS:** A setback is synonymous to "building setback line". See Section 3-2-8.

3-2-53 **SINGLE TIER LOT:** A lot which backs upon a street, a railroad, a physical barrier, or a residential or non-residential use, and to which access from the rear of the lot is usually prohibited.

3-2-54 **SKETCH PLAN:** The sketch plan is drawn prior to the preparation of the Preliminary Plans (or Final Plat in cases of minor subdivisions) to enable the applicant to save time and expense in reaching general agreement with the County Engineer as to the form of the plat and the objectives of these regulations.

3-2-55 **SUBDIVIDER:** Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2), directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel, site, unit, or plat in a subdivision, or who (3) is employed by or directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

3-2-56 **SUBDIVISION:** The development and division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or otherwise for the purpose of establishing or creating a subdivision through the sale, lease, or building development. Statutory definition found in Code of Alabama 1975, ' 11-52-1 et seq.

EXCLUSIONS: A subdivision shall not include any of the following:

- a. The construction or development of roads or buildings on private property to be used for agricultural purposes. See, Code of Alabama 1975, '11-52-1 et seq.
- b. Property divided by probated family estates; (Property subdivided further under this exclusion will be required to have access, See Section 3-2-1);
- c. Property divided between immediate family members. See Code of Alabama 1975, ' 11-52-1 et seq.; (Property subdivided further under this exclusion will be required to have access, See Section 3-2-1);
- d. The division of land into parcels greater than five (5) acres which meets all of the following criteria:
 - (i) frontage on existing roads of each parcel is at least 80 60 feet,
 - (ii) the extension of public utilities is not required, and
 - (iii) there will be no additional storm water runoff created.

(Amended:
See Planning Commission
Resolution 2012-05)

1278 346
HISC Book & Page

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

- e. Parcels which qualify for exemptions from subdivision criteria and rules and regulations imposed by the State Board of Health pursuant to Code of Alabama 1975, ' 22-26-7 provided they also meet all of the criteria set out in (d)(i), (ii), and (iii) above;
- f. The public acquisition by purchase of strips of land for the widening or opening of streets.

3-2-57 SUBDIVISION CATEGORIES:

- a. **SUBDIVISION, MAJOR :** All subdivisions not classified as a minor subdivision.
- b. **SUBDIVISION, MINOR:** Any subdivision with parcels or lots five (5) acres or less fronting on an existing city/county road that, in the opinion of the city/county engineer, does not involve any new street (or road) or the extension of public facilities, does not require the creation of any public improvements, does not adversely affect the remainder of the parcel or adjoining property, and does not create any additional storm water runoff.

3-2-58 SUBDIVISION JURISDICTION: All areas inside the corporate limits and outside the corporate limits up to a maximum of five (5) miles of in Lee County, except within the territorial jurisdiction of a municipal planning commission as defined by Code of Alabama 1975, ' 11-52-1 et seq. and these regulations. The more strict subdivision requirements, whether of the county or municipality, must be complied with by the developer. See Code of Alabama 1975, '11-52-30 (b).

3-2-59 SURETY: Any bond, certificate of deposit, irrevocable letter of credit, cashier check, or other acceptable guarantee as approved by the City Council or the city/county engineer.

3-2-60 TERRITORIAL JURISDICTION OF MUNICIPAL PLANNING COMMISSION: All land located in the municipality and all land lying within five (5) miles of the corporate limits of the municipality and not located in any other municipality. In the case of any such nonmunicipal land lying within five miles or more than one municipality having a planning commission, the jurisdiction shall terminate at a boundary line equidistant (Equally Distant) from the respective corporate limits of such municipalities.

3-2-61 VARIANCE: Permission to depart from the literal requirements of these subdivision regulations by virtue of unique hardship due to special circumstances regarding property to be developed. A waiver of the strictest letter of the regulations upon substantial compliance without sacrificing the spirit and purpose of the regulations.

3-2-62 WATERCOURSE: Any depression serving to give direction to a flow of water, having a bed and defined banks. The definition shall also include other generally or specifically designated areas where flooding may occur. The flow of water need not be on a continuous basis, but may be intermittent resulting from the surface runoff of precipitation.

3-2-63 WIDTH OF LOT: The mean horizontal distance between the two side lot lines.

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

1278 347
HISC Book & Page

ARTICLE IV

APPROVAL OF SUBDIVISION PLATS

- 4-1 APPROVAL OF SUBDIVISION PLATS REQUIRED
- 4-2 PRE-APPLICATION PROCEDURE
- 4-3 GENERAL REQUIRED PROCEDURES FOR APPROVAL OF PLATS
- 4-4 SUBMISSION OF PRELIMINARY PLAT
- 4-5 SUBMISSION OF THE FINAL PLAT

SECTION 4-1. APPROVAL OF SUBDIVISION PLATS REQUIRED

From and after the date of filing of a copy of these regulations with the Probate Judge of Lee County, no subdivision plat of land within the subdivision jurisdiction, From and after thirty (30) days from the date of the City's filing a certified copy of these regulations with the Probate Judge, no subdivision plat of land, as defined in Article III of these regulations, within the platting jurisdiction, shall be filed or recorded nor shall any lots be sold or leased until the plat has been submitted to and approved by the Planning Commission pursuant to Code of Alabama 1975, '11-52-1 et seq. The Probate Judge, upon receipt of a copy of these regulations, the Planning Commission's Resolution, and a letter from the Mayor or City Clerk, shall not thereafter file or record a plat of a subdivision of land located within the City's subdivision jurisdiction, as defined herein, without the approval of such plat in accordance with these regulations. No street or road shall be accepted and maintained by the City or County, nor shall any utilities or city or county services be extended to the subdivision, unless and until the requirements set forth in these regulations have been complied with and the subdivision has been approved by the Planning Commission.

It is the responsibility of the developer to apply for subdivision approval unless the development meets one of the exclusions to these regulations pursuant to the definition of subdivision set out in Section 3-2-57. The developer shall be responsible for the construction, maintenance, and repair of all such development until and unless the roads are accepted by the county pursuant to the laws of this state.

SECTION 4-2. PRE-APPLICATION PROCEDURE

Whenever the subdivision of a tract of land is proposed within the jurisdiction of these regulations, the sub divider is urged to consult early and informally with the County Engineer. The sub divider may submit sketch plans and data showing existing conditions within the site and in its vicinity, and the proposed layout and development of the subdivision. The purpose of this pre-application review is to afford the sub divider an opportunity to avail himself of the advice and assistance of the County Engineer in order to facilitate the subsequent preparations and approval of plans.

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

1278 348
MISC Book & Page

SECTION 4-3. GENERAL REQUIRED PROCEDURES FOR APPROVAL OF PLATS

Following the pre-application review or in the event the sub divider does not submit to a pre-application review, the sub divider shall proceed as set out below:

- (1) If the proposed plat is for a Minor Subdivision as defined in Section 3-2-57(b), engineering plans will not be required. However, the sub divider shall comply with each of the following:
 - a. The final plat procedures set forth in Section 4-5;
 - b. The design standards set out in Section 5-4; and
 - c. The required improvements set out in Article VII.
- (2) If the plat is for a Major Subdivision as defined in Section 3-2-57(a), the sub divider shall comply with each of the following:
 - a. The preliminary plat procedures set out in Section 4-4;
 - b. The final plat procedures set out in Section 4-5;
 - c. The development standards set out in Article V; and
 - d. The required improvements set out in Article VII.

SECTION 4-4. SUBMISSION OF PRELIMINARY PLAT

In accordance with the policy of the Planning Commission, no lot may be leased or sold and no utilities extended to, or connected with any major subdivision of land, as defined herein, until the proposed plans and specifications have been given a preliminary review by the County Engineer or his or her designee.

4-4-1 APPLICATION PROCEDURE

The developer shall submit an application for preliminary review to the Planning Commission by the County Engineer at least thirty (30) calendar days prior to the anticipated date for the project to begin. The application shall include each of the following:

- (1) A letter stating that the preliminary plans are being submitted for review;
- (2) Application for Preliminary Plan Review (Appendix II);
- (3) At least four (4) copies of the proposed subdivision prepared in accordance with the requirements of the subdivision regulations;
- (4) Construction Plans for all required improvements;

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

- (5) A letter from the County or State Health Department stating that the general lot layout has been reviewed; and
- (6) Any applications for variances.
- (7) A preliminary and final plat application fee of \$25.00 each shall be paid to the City of Smiths Station.

4-4-2 CONSTRUCTION PLANS

All construction plans shall meet the minimum standards of design and general requirements for the construction of public improvements as set forth in these regulations. These plans shall be drawn at a horizontal scale not less than one (1) inch equals fifty (50) feet. Sheet size shall be 24" x 36" or less. Construction plans shall be prepared by a Licensed Engineer.

4-4-3 PRELIMINARY REVIEW NOTICE

The County Engineer, or his or her designee, will notify the owner or developer, in writing, that the submitted plans and specifications have been reviewed and, to the best of his or her belief, meets or does not meet the rules and regulations of these Subdivision Regulations. Notification that the plans and specifications do meet the rules and regulations does not relieve the owner or developer, their engineer, or their surveyor from their responsibility to meet the current adopted rules and regulations in accordance with the Code of Alabama 1975, ' 11-52-1 et seq., Act 90-195 and the county subdivision regulations, and the Minimum Technical Standards for Surveying in the State of Alabama.

This preliminary review shall be completed no more than fourteen (14) days after the receipt of the application for review.

4-4-4 PRELIMINARY PLAT REQUIREMENTS

The Preliminary Plat shall be prepared by a licensed land surveyor and shall be clearly and legibly drawn at a convenient scale of not less than one (1) inch equals one hundred (100) feet, and the sheets shall be numbered in sequence if more than one (1) sheet is used. The sheet size shall be of such size as is acceptable for filing in the Office of the Probate Judge. The Preliminary Plat shall show the following:

- (1) Name and addresses of owners of record;
- (2) Proposed name of subdivision, date, north arrow and scale;
- (3) Name and seal of licensed land surveyor;
- (4) Vicinity map showing location of the subdivision;
- (5) Exact boundaries of the tract of land being subdivided, shown with bearings and distances;

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

1278 350
MISC Book & Page

- (6) Names and addresses of the owners of land immediately adjoining the tract of land being subdivided, as their names appear on the plats in the County Tax Assessor or Revenue Commissioner's office;
- (7) Wooded areas, wetlands, and any other conditions affecting the site;
- (8) The location of existing streets, buildings, water courses, railroads, transmission lines, drainage structures, public utilities, jurisdiction lines, and any public utility easements on and adjacent to the tract being subdivided;
- (9) Proposed rights-of-way or easements including locations, widths, purposes, and street numbers (Section 7-1-7 requires a minimum fifteen (15) foot wide utility easement centered on rear and side lot lines);
- (10) Proposed lot lines with bearings and distances and lot and block numbers;
- (11) Proposed minimum building setback lines;
- (12) Proposed parks, school sites, or other public open spaces, if any;
- (13) Site data:
 - a. Acreage in total tract;
 - b. Smallest lot size;
 - c. Total number of lots;
 - d. Linear feet in streets;
- (14) Any area within or adjacent to the proposed subdivision subject to inundation by the 100-year flood projections as defined herein, or subject to periodic inundation by storm drainage overflow or ponding, shall be clearly shown and identified on the plat.
- (15) The following endorsements and certificates shall be placed on the Preliminary Plat (see Appendix I for sample certificates):
 - a. Certificate of Engineering Design by a Professional Engineer
 - b. Names and addresses of all utilities that are involved or affected by this subdivision.

4-4-5 CONSTRUCTION PLANS:

At the time of submission of the Preliminary Plat, the applicant shall also submit Construction Plans for all required improvements that have been prepared and signed by a licensed engineer in the State of Alabama. All plans shall meet the minimum standards of design and general requirements for the construction of public improvements as set forth in these regulations. Construction Plans shall be drawn at a scale of not less than one (1) inch equals fifty (50) feet, and map sheets shall be of the same size as the Preliminary Plat. The following shall be included in the construction plans:

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

1278 351
H150 Book 1 Page

- (1) Street plan containing the following information:
 - a. Location of all proposed and existing streets or rights-of-way in or adjacent to the subdivision;
 - b. Width of existing and proposed rights-of-way and easements;
 - c. Road numbers/names;
 - d. Plan and profile of all proposed streets, showing natural and finished grades drawn to a scale of not less than one (1) inch equals one hundred (100) feet horizontal and one (1) inch equals ten (10) feet vertical;
 - e. Cross sections of proposed streets at a minimum of 50' stations or as required by the County Engineer;
 - f. Curve data for the centerline of each street: Delta, Tangent, and Radius;
 - g. Location of all required sidewalks and crosswalks;
 - h. Location of all proposed utilities. [Since there is no public dedication prior to final approval by the Planning Commission, where required by utilities, developers will need to execute temporary easements to allow installation of utilities prior to Final Approval by the Planning Commission. These easements and installations shall be in the same location as shown on the preliminary plat as reviewed by the County Engineer.]
 - i. Size of side drains required for each lot.
- (2) Storm Drainage Plan containing the following information:
 - a. Location of proposed drainageways, streams, and ponds in the subdivision;
 - b. Topography at suitable contour intervals, as approved by the County Engineer, to show proposed drainage;
 - c. Location, size, and invert elevations of proposed drainage structures including culverts, bridges, pipes, drop inlets, and top elevations of headwalls, etc., showing details on Drainage Plan, including conduit schedule;
 - d. Show construction details of typical manholes, connections, and other drainage structures proposed;
 - e. Area of land contributing run-off to each drainage structure along with run-off calculations and applicable coefficients depending on method

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

used [i.e. Rational method: runoff coefficient (C), rainfall intensity (I), catchment area (A), and the discharge at the structure (Q)]. All drainage structures shall be designed using a twenty-five year design minimum.

- f. Location of easements and rights-of-way for drainage ways and maintenance access thereof;
 - g. Typical cross-sections of each drainage way;
 - h. Direction of water flow throughout subdivision and compatibility with existing drainage.
- (3) Certificate or letter of approval from the State and/or County Health Department indicating their approval of the proposed water supply and/or wastewater disposal facilities.
 - (4) Sanitary Sewer Plan, if applicable, containing the location of all existing and proposed sewers, location of sewer laterals, location of each manhole and other sewage system appurtenances including lift stations, oxidation ponds, and treatment plants, and the plan and profile of the sewage system. Construction details of typical manholes, connections, and other proposed sewage structures should also be shown.
 - (5) Water Distribution Plan containing the location and size of water distribution system including pipes, valves, fittings, hydrants, high-pressure pumping equipment, etc.
 - (6) Electric Distribution Plan containing the location of all poles or subsurface facilities as necessary to serve each lot or parcel of land within the subdivision.
 - (7) Gas Distribution Plan, if applicable, containing the location of all above ground and subsurface facilities as necessary to serve each lot or parcel of land in the subdivision.

SECTION 4-5. SUBMISSION OF THE FINAL PLAT

In accordance with the policy of the Planning Commission, no lot may be sold, no utilities extended to, or connected with, any minor or major subdivision of land, as defined herein until the Final Plat has been approved by the Planning Commission.

4-5-1 APPLICATION PROCEDURE AND REQUIREMENTS:

Following the review of the Preliminary Plans and concurrence from the County Engineer, where required, the applicant, if he wishes to proceed with the subdivision, shall file with the Planning Commission an application for approval of the Final Plat (Appendix II). The application shall:

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

1278 353
MISC Book & Page

- (1) Be accompanied by a letter stating that the final plat is being submitted for approval;
- (2) Be accompanied by the original tracing, and three (3) black or blue line prints of the plat;
- (3) Comply in all respects with the Preliminary Plans, as reviewed, except for minor modifications not altering the design of the subdivision;
- (4) Be presented to the County Engineer at least thirty (30) calendar days prior to a regularly scheduled meeting of the Planning Commission to allow compliance with Code of Alabama 1975, ' 11-52-1 et seq.
- (5) Be accompanied by a surety bond in an amount sufficient to guarantee the actual construction and installation of such approved public streets, roads, drainage structures and public utilities. A surety bond will be required in cases where all construction and installation of the required improvements have not been completed. The surety bond shall be in the amount of 150% of the estimated cost of construction and improvements as determined by the County Engineer;
- (6) Be accompanied by the fees provided for in Section 4-5-2, payable to the Lee County.

4-5-2 INSPECTION FEES FOR FINAL PLAT

One copy of the Final Plat and the Engineering Plans shall be submitted to the County Engineer along with a fee of \$300 plus \$100 per lot and \$0.50 per one foot of new road construction or the actual cost of construction inspection, whichever is less.

4-5-3 FINAL PLAT APPROVAL

After the County Engineer or his or her designee has reviewed the Final Plat and engineering plans, the County Engineer shall certify to the Planning Commission whether the plat meets the City's regulations. If the proposal meets the regulations, it shall be approved by the Planning Commission. If the County Engineer determines that the plat is deficient in any regard, the City/County Engineer shall detail the deficiency to the Planning Commission along with a recommendation that the development be disapproved. Notice of the recommendation of the City/County Engineer, to approve or disapprove, shall be sent to the owner or developer, adjoining land owners, and any utilities involved, as shown on the submitted plat as required in Section 4-4-4 (1), (6), and (15), by registered or certified mail at least seventeen (17) days before the recommendation is presented to the Planning Commission for action. One copy of the proposed Final Plat shall be returned to the applicant with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat. One copy each shall be retained for the Planning Commission, County Engineer, County Health Department and the Natural Resources Conservation Service. Approval of the final plat shall not be deemed as acceptance of the subdivision roads or streets for county maintenance. The current policy for acceptance of roads or streets by the Planning Commission is located in Appendix V of these regulations. The subdivider will be responsible for contacting each utility and providing plans, if required, to each utility.

1278 353
MISC Book & Page

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

- (1) Be accompanied by a letter stating that the final plat is being submitted for approval;
- (2) Be accompanied by the original tracing, and three (3) black or blue-line prints of the plat;
- (3) Comply in all respects with the Preliminary Plans, as reviewed, except for minor modifications not altering the design of the subdivision;
- (4) Be presented to the County Engineer at least thirty (30) calendar days prior to a regularly scheduled meeting of the Planning Commission to allow compliance with Code of Alabama 1975, ' 11-52-1 et seq.
- (5) Be accompanied by a surety bond in an amount sufficient to guarantee the actual construction and installation of such approved public streets, roads, drainage structures and public utilities. A surety bond will be required in cases where all construction and installation of the required improvements have not been completed. The surety bond shall be in the amount of 150% of the estimated cost of construction and improvements as determined by the County Engineer;
- (6) Be accompanied by the fees provided for in Section 4-5-2, payable to the Lee County.

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One copy of the Final Plat and the Engineering Plans shall be submitted to the County Engineer along with a fee of \$300 plus \$100 per lot and \$0.50 per one foot of new road construction or the actual cost of construction inspection, whichever is less.

4-5-3 FINAL PLAT APPROVAL

After the County Engineer or his or her designee has reviewed the Final Plat and engineering plans, the County Engineer shall certify to the Planning Commission whether the plat meets the City's regulations. If the proposal meets the regulations, it shall be approved by the Planning Commission. If the County Engineer determines that the plat is deficient in any regard, the City/County Engineer shall detail the deficiency to the Planning Commission along with a recommendation that the development be disapproved. Notice of the recommendation of the City/County Engineer, to approve or disapprove, shall be sent to the owner or developer, adjoining land owners, and any utilities involved, as shown on the submitted plat as required in Section 4-4-4 (1), (6), and (15), by registered or certified mail at least seventeen (17) days before the recommendation is presented to the Planning Commission for action. One copy of the proposed Final Plat shall be returned to the applicant with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat. One copy each shall be retained for the Planning Commission, County Engineer, County Health Department and the Natural Resources Conservation Service. Approval of the final plat shall not be deemed as acceptance of the subdivision roads or streets for county maintenance. The current policy for acceptance of roads or streets by the Planning Commission is located in Appendix V of these regulations. The subdivider will be responsible for contacting each utility and providing plans, if required, to each utility.

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

1278 354
NISC Book & Page

4-5-4 SIGNING AND RECORDING OF FINAL PLAT

(1) Signing of Plat

All plats shall be approved by the Planning Commission prior to recording in the Probate Office. The County Engineer shall note and date the approval on the plat and sign said plat in his or her official capacity as required in Code of Alabama 1975, '11-52-1 et seq.

- A. When a surety bond is required, the signing of the plat shall take place after the bond has been approved by the Planning Commission and all the conditions pertaining to the plat have been satisfied.
- B. When installation of improvements is required, the signing of the plat shall take place after all conditions have been satisfied and all improvements completed to the satisfaction of the County Engineer.

(2) Recording of Plat

Once a plat has been approved and such approval evidenced by the City/County Engineer's notation on the plat, it shall be recorded in the Office of Probate after final approval has been given by the Planning Commission in accordance with the Code of Alabama 1975, '11-52-30 et seq.

4-5-5 FINAL PLAT REQUIREMENTS

The Final Plat shall be prepared by a registered land surveyor and shall be clearly and legibly drawn at a convenient scale of not less than one (1) inch equals one hundred (100) feet. The Final Plat, as submitted for approval, shall be prepared on a suitable permanent mylar reproducible. The sheet size shall be of such size as is acceptable for filing at the Office of the Probate Judge.

The Final Plat shall show the following:

- (1) Name of subdivision, north arrow and scale;
- (2) The relation of the land so platted to the Government Survey of Lee County. The "Point of beginning" as referred to in the written description shall be so indicated;
- (3) Sufficient data to determine readily and reproduce on the ground the location, bearing, and length of every street line, lot line, boundary line, and block line, whether straight or curved. This shall include the radius, central angle, point of tangency, tangent distance, and arcs and chords;
- (4) The names and locations of adjoining subdivisions and streets, with reference to recorded plats by record name;
- (5) Streets and alleys, rights-of-way, and street numbers;
- (6) The location of easements, including location, widths, and purposes;

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

1278 355
MISC Book & Page

- (7) Lot lines, lot and block numbers;
- (8) Parks, school sites, or other public open spaces, if any;
- (9) Size of required side drains for each lot;
- (10) Finished floor elevation relating to base flood elevations shall be in conformance with the Federal Emergency Management Agency (FEMA).

The following endorsements, dedications, and certificates shall be placed on the Final Plat (See Appendix I for sample certificates):

- (1) Licensed Land Surveyor's Certificate and Description of Land Platted;
- (2) Licensed Engineer's Certificate of Engineering Design and Construction;
- (3) Dedication by owner;
- (4) A notary's Acknowledgment of the Dedication Certificate referred to in "3";
- (5) A Certificate of Approval by the appropriate electric utility distributor;
- (6) A Certificate of Approval by the appropriate water and sewer utility;
- (7) A Certificate of Approval by the County Engineer;
- (8) A Certificate of Approval by the Planning Commission;
- (9) A Certificate of Approval by the Lee County Health Department (if septic tanks and/or wells are necessary).

The above certificates shall be lettered or typed on the Final Plat in such a manner as to insure that said certificates will be legible on any prints made therefrom.

4-5-6 ENGINEERING PLAN

At the time of Final Plat approval, the applicant shall also submit an engineering plan giving details of construction and locations of the improvements as they were built or installed. The primary purpose of the engineering plan is to provide the City with a record of the location, size, and design of underground utilities. If installation of improvements is completed under a bond, the applicant shall submit the engineering plan to the City upon request of release of the bond.

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

1278 356
NISC Book & Page

ARTICLE V

DEVELOPMENT STANDARDS

- 5-1 MINIMUM STANDARDS**
- 5-2 GENERAL REQUIREMENTS**
- 5-3 ROAD OR STREET PLAN**
- 5-4 DESIGN STANDARDS**
- 5-5 BLOCKS**
- 5-6 LOTS**

SECTION 5-1. MINIMUM STANDARDS

In addition to the requirements established herein, the following minimum requirements are established for all subdivision plats:

- (1) All applicable statutory provisions;
- (2) The special requirements and rules of the Lee County Health Department and/or appropriate state agencies;
- (3) The rules and standards of the Alabama Department of Transportation if the subdivision or any lot contained therein abuts a state highway;
- (4) The rules and standards of the Alabama Department of Environmental Management (ADEM) and any other appropriate state or federal agencies;
- (5) The standards and regulations adopted by all boards, commissions, agencies, and officials of Lee County;
- (6) The standards, specifications and rules of appropriate utility companies.

Plat approval may be withheld if the subdivision is not in conformity with the above guidelines or the policy and purpose of these regulations as established in Article I of these regulations.

SECTION 5-2. GENERAL REQUIREMENTS

5-2-1 CHARACTER OF THE LAND

Land within any floodway as defined in Section 3-2-29 shall not be platted for residential occupancy or building sites, but may be deeded. Land outside the floodway but subject to flood may be platted for residential occupancy provided each lot contains a building site that may reasonably lend itself to construction of a floor level above flood elevation, or for such other

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

uses which will not increase the danger to health, life, and property. Fill may not be used to raise land in the floodway. In other areas subject to flood, fill may be used providing the proposed fill does not restrict the flow of water and unduly increase flood heights.

5-2-2 SUBDIVISION NAME

The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Planning Commission City/County Engineer shall have final authority to reject the name of the subdivision. Such rejection shall be made at the Preliminary Plan Review stage.

5-2-3 WATERBODIES AND WATERCOURSES

If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among adjacent lots. The Planning Commission may approve an alternative plan provided the ownership of and responsibility for, safe maintenance of the water body is so placed that it will not become a City or County responsibility. No public roadways will be approved which provide access across dams nor will any part of a lake dam be allowed on the public road right-of-way, unless suitable safety measures are provided.

SECTION 5-3. ROAD OR STREET PLAN

The arrangement, character, extent, location, and grade of all roads shall be laid out according to good land planning principles and shall be integrated with all existing and planned roads. Consideration for the planning of new roads shall include topographical conditions, orientating to vistas, public convenience and safety, and the proposed uses of land to be served by them. All lots must have access as defined in Section 3-2-1 to a city, county, or state road.

5-3-1 CONTINUATION OF ADJOINING ROAD SYSTEM

Proposed new roads shall extend existing roads or their projections at the same or greater width, but in no case less than the minimum required width, unless for reasons of topography or design, the Planning Commission deems variations necessary.

5-3-2 MARGINAL ACCESS ROADS

Where, in the opinion of the Planning Commission, development which abuts or has included within the proposed subdivided area any arterial, the Planning Commission may require a marginal access road or other treatment which may be necessary to provide for the adequate protection of properties, and to afford separation of through and local traffic.

5-3-3 ADDITIONAL WIDTH ON EXISTING ROADS:

Subdivisions that adjoin existing streets with inadequate right-of-way shall dedicate additional right-of-way to meet the minimum street width requirements.

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

- (1) The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.
- (2) When the subdivision is located on only one side of an existing street, a minimum of one-half (1/2) of the required right-of-way, measured from the centerline of the existing street, shall be provided.

5-3-4 ROAD NUMBERS

Placement of E-911 sign does not constitute a City or County road.

5-3-5 VACATING A ROAD OR EASEMENT

Vacation of a road or easement shall be in accordance with the procedures set out in Code of Alabama 1975, § 23-4-1 et seq., if by the City, and Code of Alabama 1975, § 23-4-20 et seq., if by abutting land owners or by other legal means.

5-3-6 FRONTAGE ON IMPROVED ROADS

No subdivision shall be approved unless the area to be subdivided shall have frontage on, and access from:

- (1) an existing state, county or city road or
- (2) public road shown upon an approved plat recorded in the Lee County Probate Judge's office. Such street or highway must be suitably improved as required by the rules, regulations, specifications, or orders, or be secured by an improvement guarantee required under these subdivision regulations, with the width and right-of-way required by these subdivision regulations.

5-3-7 TOPOGRAPHY AND ARRANGEMENT

- (1) All proposed roads shall be properly integrated with the existing system of roads.
- (2) All arterials shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities, and to the pattern of existing and proposed land uses.
- (3) Minor roads as defined in Section 3-2-42 shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
- (4) The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs, or U-shaped roads shall be encouraged where such use will result in a more desirable layout.
- (5) Proposed roads shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or

1278 359
MJC Book & Page

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

unless in the opinion of the Planning Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or with the existing layout of the most advantageous future development of adjacent tracts.

- (6) In business and industrial developments, the roads and other access ways shall be planned in connection with the grouping of buildings, location of rail and port facilities, and the provision of alleys, truck loading and maneuvering area, and walks and parking areas so as to minimize conflict of movement among the various types of traffic, including pedestrian.

5-3-8 ACCESS TO ARTERIALS

Where a subdivision borders on or contains an existing or proposed arterial, the Planning Commission may require that access to such arterial be limited by one of the following means:

- (1) The subdivision of lots so as to back onto the arterial and front onto a parallel minor road; with no access to be provided from the arterial, and screening to be provided in a strip of land along the rear property line of such lots;
- (2) A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial;
- (3) A marginal access or service road (separated from the arterial by a planting or grass strip and having access thereto at suitable points).

5-3-9 EXCESS RIGHT-OF-WAY OR EASEMENTS

Right-of-way or easement widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three horizontal to one vertical.

5-3-10 RAILROADS, ARTERIALS, AND MAJOR THOROUGHFARES

Railroad rights-of-way, arterials, and expressways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

- (1) In residential districts, a buffer strip at least twenty five (25) feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way, arterial, or expressway. This strip shall be part of the platted lots and shall be designated on the plat with the statement, "This strip is reserved for screening. The placement of structures hereon is prohibited";

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

1278 360
MISC Book & Page

- (2) In areas proposed for business, commercial, or industrial uses, the nearest road extending parallel or approximately parallel to the railroad shall, wherever practical, be at a sufficient distance there from to ensure suitable depth for commercial or industrial sites;
- (3) Roads parallel to the railroad when intersecting a road that crosses the railroad at grade shall, to the extent practical, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

5-3-11 CUL-DE-SACS

Dead end roads shall be provided with a turnaround having a roadway diameter of at least eighty (80) feet and a right-of-way diameter of at least one hundred twenty (120) feet.

5-3-12 INTERSECTIONS

Road intersections shall be laid out as follows:

- (1) Adequate sight distance shall be provided at all intersections. For Average Daily Traffic (ADT) less than 2500, the Alabama Department of Transportation's (hereinafter "ALDOT") "County Road Design Policy" shall be used. [Example: A 35 mph design speed for the through road would translate into 355 feet of required sight distance.] For roads with ADT over 2500, the American Association of State Highway and Transportation Officials (AASHTO) "A Policy on Geometric Design of Highways and Streets" shall be used. [Example: A 35 mph design speed for the through road would need 400 feet of required sight distance.]
- (2) Roads shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new roads at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique road should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) roads shall intersect at any one point unless specifically approved by the Planning Commission;
- (3) Proposed new intersections along one side of an existing road shall, wherever practical, coincide with any existing intersections on the opposite side of such street. Road jogs with centerline offsets of less than 125 feet shall not be permitted except where the intersected road has separated dual drives without median breaks at either intersection. Where minor roads intersect collector or arterials, their alignment shall be continuous. Intersections of arterials shall be at least eight hundred (800) feet apart. Where a road intersects a state highway, the design standards of the Alabama Department of Transportation shall apply;

1270 361
H280 Book 1 Page

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

- (4) Minimum curb radius at the intersection of two (2) minor roads shall be at least thirty (30) feet; and minimum curb radius at an intersection involving a collector road shall be at least thirty-five (35) feet;
- (5) Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a five percent (5%) grade at a distance of twenty (20) feet, measured from the nearest edge line of pavement of the road to be intersected;
- (6) The cross-slopes on all roads, including intersections, shall be five percent (5%) or less;
- (7) Property lines at road intersections shall be rounded with a minimum radius of thirty (30) feet or a right-of-way miter of twenty five (25) feet back from the right-of-way intersections.

SECTION 5-4. DESIGN STANDARDS

Regardless of whether or not the developer intends to seek City or County acceptance of roads in the subdivision, the following design standards shall be considered minimum requirements for all subdivisions. It is the responsibility of the developer to communicate and schedule with the City/County Engineer prior to initiating any and all steps of the road building process. In addition to other penalties prescribed by law and by these regulations, any road construction performed without the knowledge and inspection of the City/County Engineer will not be considered for acceptance by the City. Refer to Section 5-4-4(1) for notification of work requirements and Section 1-1 regarding acceptance of roads and streets for county maintenance.

If City Planning Commission establishes separate requirements for non-residential subdivisions as they deem appropriate, but shall in no event be less than the requirements of residential subdivisions, unless the developer is granted a variance under the procedures set out in Article IX.

5-4-1 RIGHT-OF-WAY WIDTHS

Minimum street right-of-way widths shall be not less than sixty (60) feet.

5-4-2 PAVEMENT WIDTHS

All roads shall have a minimum pavement width of twenty (20) feet with a minimum shoulder width of four (4) feet. If curb is used, a minimum pavement width of twenty-two (22) feet from front of curb to front of curb with a minimum shoulder width of two (2) feet back of curb is to be used.

5-4-3 GEOMETRIC DESIGN

(1) TYPICAL SECTIONS

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

1278 362
MISC Book & Page

Standard Section (Ditch) - See Appendix VI
Standard Section (Curb) - See Appendix VI

(2) ROADS WITH LESS THAN 2500 ADT

All streets shall be designed to conform to the Alabama Department of Transportation, current City Road Design Policy, Design Criteria for New and Reconstructed Roadways and Bridges with less than 2,500 ADT" except for pavement and shoulder widths (5-4-2).

(3) ROADS WITH GREATER THAN OR EQUAL TO 2500 ADT

All streets shall be designed to conform to current AASHTO's "A Policy on Geometric Design of Highways and Streets".

Any specifications for geometric design not covered by these regulations shall be governed by the applicable publication listed above.

5-4-4 ROAD CONSTRUCTION REQUIREMENTS

Construction of all roads shall meet the following minimum requirements and conform to the Alabama Department of Transportation's "Standard Specifications for Highway Construction". Best Management Practices for erosion control shall be used throughout construction and development. The developer shall be responsible for all erosion control in accordance with ADEM regulations and for securing any required permits by ADEM.

- (1) **Notification of Work:** It shall be the duty and responsibility of the developer or contractor to give written notice to the County Engineer or his/her authorized agent, one working day prior to starting any phase of construction. The developer or contractor shall notify the County Engineer or his/her authorized agent in writing the day work is resumed after a delay of more than five (5) working days. This includes all phases of construction, clearing, grading, drainage, gutters, inlets, base, surfacing and any work that pertains to the street, road or development. **FAILURE TO NOTIFY AS SPECIFIED MAY BE GROUNDS FOR NONACCEPTANCE.**
- (2) **Testing:** The County Engineer shall determine which tests shall be scheduled and performed and shall notify the developer. The tests normally consist of, but are not limited to, gradation, moisture content, compaction and asphalt analysis. As a minimum, developers will be required to determine modified proctor density data for approved road building materials.
- (3) All testing shall be scheduled by and charged/billed to the developer and shall be conducted by an independent testing laboratory approved by the County Engineer. Copies of all test reports are to be provided to the County Engineer before additional construction occurs.
- (4) **Clearing and Grubbing:** All roads shall be graded to their full right-of-way width. All areas shall be cleared of all vegetation, trees, stumps, large rocks and other

1278 345
MISC Book & Page

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

objectionable or unsuitable material prior to grading or filling unless otherwise approved, in writing, by the County Engineer;

- (5) **Slope Paving:** Slope paving shall be required in ditches as determined necessary by the County Engineer. Other alternatives must be approved by the County Engineer;
- (6) **Embankment Sections:** The County Engineer will have the right to approve all borrow sources, however this does not relieve the developer from full responsibility for the quality of material used. Roadway fill or embankment of earth material shall be placed in uniform layers, full width, and not exceeding eight inch thickness (loose measurement). Each layer shall be compacted so that a uniform specified density is obtained. Compaction tests shall be the responsibility of the developer to perform tests at the frequency and location as directed by the County Engineer. Additional layers of fill shall not be added until directed by the County Engineer. For all density requirements refer to Section 210 and Section 306 of the "Alabama Department of Transportation Standard Specifications for Highway Construction";
- (7) **Subgrade:** The subgrade shall be compacted and properly shaped prior to the placing of base materials. Developer shall submit a profile of the subgrade for approval prior to placement of the base material. The top six (6) inches of the roadbed shall be modified, with the work being performed under Section 230 Roadbed Processing, of the "Alabama Department of Transportation Standard Specifications for Highway Construction". It shall be full width of regular section and extend two (2) feet outside of curb and gutter and/or valley gutter sections. Both sections are twenty-eight (28) feet in width. The embankment or subgrade may be inspected by proofrolling, under the supervision of the County Engineer or his or her designee with a fully loaded tandem axle dump truck to check for soft or yielding areas. Any unsuitable materials shall be removed and replaced with a suitable material compacted to density requirements in accordance with Section 5-4-4(2) of these regulations. Suitable material shall be determined by the City/County Engineer.
- (8) **Base:** Base course shall meet the requirements for crushed aggregate as set forth in section 301 Type 825 A or B, plant mixed with water, according to the Alabama Department of Transportation Standard Specifications for Highway Construction. Base course shall have a minimum thickness of six (6) inches compacted thickness, full width of regular section and shall extend two (2) feet outside of curb sections. Both sections are twenty-eight (28) feet in width. The density requirements for compaction shall be in accordance with Section 306 of the Alabama Department of Transportation Standard Specifications for Highway Construction. Developer may submit an equivalent alternate base course design for consideration by the County Engineer.
- (9) **Roadbed Width:** The minimum roadbed width shall be twenty-eight (28) feet for standard sections and twenty-eight (28) feet for curb sections.
- (10) **Roadway Pavement:** All roads and/or streets shall be paved and comply with the following:

127B 364
MISC. Back & Page

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

- a. The minimum pavement width shall be not less than twenty (20) feet on standard sections and twenty-two (22) feet for curb sections. Type of curb to be used shall be approved by the County Engineer.
 - b. A bituminous pavement shall be constructed on a suitable base as approved by the County Engineer. Minimum requirements for the bituminous pavement shall be two hundred (200) pounds per square yard (200 LBS/ SY) of Bituminous Concrete Plant Mix, Binder Layer, Type 424B or equivalent. The mix shall be approved by the County Engineer and be covered in the latest memorandum recommendation from the office of the ALDOT, County Transportation Engineer, or as specified by the ALDOT Standard Specifications for Highway Construction, latest edition. The placement of this minimum required bituminous pavement does not relieve the developer of meeting the current policy for acceptance of roads and streets by the City Council or the Lee County Commission. As covered in Section 1-1, the current policy for acceptance of roads and streets is located in Appendix V of these Regulations. Any amendments to these Regulations will be on file at the City Hall or the Lee County Engineer's Office.
- (11) **Storm Drainage:** An adequate storm drainage system based on a minimum twenty-five (25) year design storm including curb, crossdrains, side drains, culverts, headwalls, and ditches shall be provided for the drainage of surface water. The developer shall submit calculations to support that the post-construction discharge does not exceed the pre-construction discharge. All crossdrains shall have sufficient length for required typical section and shall be installed according to ALDOT specifications. Minimum diameter of crossdrain and side drain pipes shall be fifteen (15) inches. Crossdrains shall be Class 3, wire reinforced, concrete pipe and shall meet or exceed the current ALDOT specifications. Side drain pipes shall be concrete or metal.
- (12) **Installation of Utilities:** After grading is completed and approved by the County Engineer and before any roadbed processing of the subgrade is performed all of the underground utilities within the roadway prism shall be installed completely and approved by the County Engineer throughout the length of the street and across the section. Once pavement is placed, it shall not be open cut except with written permission of the County Engineer. Any utility desiring to cross the road shall go over the road or dry bore under the road. All water lines located under pavement shall be encased. Backfill placed in utility trenches shall be as covered in Section 5-4-4(6) of these regulations. Temporary easements for utility installation is covered in Section 4-4-5 (1)(h).
- (13) **Signage of Subdivision:** Proper signage in accordance with the "Manual of Uniform Traffic Control Devices" (MUTCD) and Section 7-1-8 of these regulations shall be required and maintained in all subdivisions.
- (14) **Topsoil and Grassing:** When all construction is completed, all slopes and shoulders shall be covered with a sufficient amount of topsoil and shall have a stand of permanent grass to prevent undue erosion, either by sprigging or seeding and mulching.

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

1278 365
MISC Book & Page

- (15) **Driveways:** Where a drainage ditch construction is proposed, the developer should refer to the geometric design in Section 5-4-3. Developers shall be made aware that in a subdivision with streets or roads designed on a ditch cross section, side drain pipe sizes shall be designed and submitted as part of the subdivision plan. Developers or owners will not be allowed to install side drain pipes in the ditch section except to provide a driveway access to each lot. It is the policy of the City Council to require citizens who seek a private entrance (driveway) to a city or county road to file an application with the Planning Commission. This application initiates a process in which the county will size the pipe, provide and install the pipe, and maintain the pipe. Individuals are required to pay for installation and materials with the understanding that the county will assume future maintenance. An individual who chooses to install a side drain on his/her own and/or use alternate materials not approved by the Planning Commission shall do so with the understanding that neither the City nor County will maintain this side drain and entrance surface. Any problems caused by this nonapproved driveway will result in the removal of this side drain. Driveway side drains shall be a minimum of twenty four (24) feet long and a maximum of thirty two (32) feet long. No more than two (2) driveway side drains will be allowed per lot. Where a lot has two (2) driveway side drains, they must be separated by at least thirty (30) feet unless approved by the County Engineer.

SECTION 5-5. BLOCKS

- (1) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to expressways, arterials, railroads, or waterways where single-tier lots are required to separate residential development from through vehicular traffic or non-residential uses;
- (2) Blocks shall not exceed fifteen hundred (1500) feet nor be less than five hundred (500) feet in length except as approved by the County Engineer as a variance;
- (3) In long blocks, the County Engineer may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.
- (4) Pedestrianways or crosswalks, not less than ten (10) feet wide, may be required by the City/County Engineer through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.
- (5) Blocks designed for industrial uses shall be of such length and width as may be determined suitable by the County Engineer for prospective use.

SECTION 5-6. LOTS

Residential lots shall comply with the following requirements:

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

- (1) The minimum lot size where public water and sewer are not provided shall be 40,000 square feet in area. If public water and sewer are provided the minimum lot size shall be 1/2 of an acre (21,780 square feet) in area. Where public water is provided and sewer is not, the minimum lot size shall be 1/2 of an acre (21,780 square feet) in area. Lot sizes shall be the greater of either these regulations or the Lee County Health Department regulations.
- (2) The subdivision plat shall provide each lot with satisfactory access as defined in Section 3-2-1;
- (3) Where land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future roads and logical further resubdivision;
- (4) Depth and width of properties reserved for commercial and industrial purposes shall be adequate to provide for off-road parking and loading for the use contemplated;
- (5) Double frontage lots shall be avoided, except where essential to provide separation of residential development from traffic arteries, or to overcome specific disadvantages to topography and orientation;
- (6) Each lot in a subdivision shall contain a flood-free building site a minimum of one (1) foot above the floor elevation of the 100-year flood projection as defined in these regulations, and outside the limits of any existing easement or the building setback lines;
- (7) No minimum area of a required lot may be satisfied by land that is under water.

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

1279 367
MISC Book & Page

ARTICLE VI

INSTALLATION OF PERMANENT REFERENCE POINTS

6-1 PERMANENT REFERENCE POINTS

SECTION 6-1. PERMANENT REFERENCE POINTS

Prior to the approval of the Final Plat, permanent reference points shall have been placed in accordance with the following requirements and the Minimum Technical Standards for Land Surveying in the State of Alabama:

6-1-1 SUBDIVISION CORNER TIE

At least one corner of the subdivision shall be designated by course and distance (tie) from an accepted corner of the Government Survey of Lee County. The subdivision corner shall be marked with a monument and shall appear on the map with a description of bearings and distances from the Government Survey corner.

6-1-2 MONUMENTS

Concrete monuments four (4) inches in diameter or four (4) inches square and two (2) feet long with a flat top shall be set at all exterior corners of the subdivision and on the right of way lines at the point of curvature (PC) and point of tangency (PT). The top of the monument shall have identifying cap of surveyor.

6-1-3 PROPERTY MARKERS

All lot corners not marked with a monument shall be marked with an iron pin not less than one-half (1/2) inch in diameter or in width, and eighteen (18) inches long, and driven so as to be flush with the finished grade. The top of the marker shall have identifying cap of surveyor.

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

1278 368
NISC Book & Page

ARTICLE VII

REQUIRED IMPROVEMENTS

7-1 IMPROVEMENTS

SECTION 7-1. IMPROVEMENTS

Final Plat approval shall be granted subject to the installation of the improvements and utilities hereinafter designated and satisfactorily completed in accordance with City construction specifications and standards or the posting of a surety bond with sufficient surety to secure the City and County the actual construction and installation of such improvements and utilities.

7-1-1 STREETS AND ROADS

See Section 5-4, Design Standards

7-1-2 CURBS AND GUTTERS

See Section 5-4, Design Standards

Where a drainage ditch construction is acceptable, the County Engineer should refer to the typical cross section in Section 5-4-3. Developers shall be made aware that in a subdivision with streets or roads designed on a ditch cross section, developers or owners will not be able to install side drain pipes in the ditch section except to provide a driveway access to each lot. Driveway side drains shall be a minimum of twenty-four (24) feet long and a maximum of thirty-two (32) feet long. No more than two (2) drive side drains will be allowed per lot. Where a lot has two (2) drive side drains, they must be separated by at least thirty (30) feet.

7-1-3 SIDEWALKS

Not required at this time.

7-1-4 WATER SYSTEM

The design and specifications of the water distribution system shall meet the appropriate public water system requirements. Water mains shall be extended the full length or width of the pavement. If a well is required for each lot, the location, construction, and use of such a well shall meet Health Department specifications. All new or replacement water supply systems together with attendant facilities, proposed to be located within an area subject to flood shall be designed and constructed to minimize or eliminate flood damage.

7-1-5 DRIVEWAYS

1278 369
NISC Book & Page

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

Driveway pipes shall be designed together with related structures sufficient to control the stormwater and preserve the right-of-way. They shall be designed for a twenty-five (25) year design storm utilizing the entire drainage area which includes both onsite and offsite stormwater. The entire storm sewer system shall be approved by the County Engineer prior to its installation. Only Concrete, Corrugated Metal, or High Density Polyethylene Pipe is acceptable for driveways.

7-1-6 SANITARY SEWERS

The applicant shall install sanitary sewer facilities in a manner prescribed by the sewer utility construction standards and specifications. Sanitary sewers shall be provided where a public sanitary sewerage system is reasonably accessible as determined by the County Engineer and the appropriate sewer utility. Individual disposal systems shall be used in instances where no public sanitary sewerage system is available providing approval is received from the State and/or County Health Department. All new or replacement sanitary sewer systems together with attendant facilities, proposed to be located within an area subject to flood, shall be designed and constructed to minimize or eliminate flood damage.

7-1-7 UTILITIES

The applicant is encouraged to place all utilities underground. All utility facilities existing and proposed throughout the subdivision shall be shown on the Preliminary Plat. Easements centered on all rear and/or side lot lines shall be provided for utilities (private and public), and such easements shall be at least fifteen (15) feet wide. Proper coordination shall be established between the applicant and the applicable utility companies for the establishment of utility easements.

7-1-8 STREET SIGNS

As provided in Section 5-4-4(13), the Developer will be responsible for the placement and maintenance of proper signage of new streets or roads until and unless the road is accepted into the city or county road system. A signage plan shall be submitted to the County Engineer for approval prior to the installation of any street signs. Regulatory and Warning Signs shall be in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).

Additionally, the developer or owner of the subdivision is required to install a sign of reasonable size at the entrance of the subdivision stating "PRIVATELY MAINTAINED ROAD" and it is the responsibility of the developer or owners of the subdivision to maintain this sign until and unless the road is accepted by the Planning Commission. It is also required that the plat and deeds have a statement printed on them stating that the streets are private.

7-1-9 WIDENING AND REALIGNMENT OF EXISTING ROADS

Where a subdivision borders an existing road with a right-of-way less than that specified in these regulations, the applicant shall be required to dedicate such additional areas for widening or realignment of such roads. The applicant shall dedicate existing substandard roads to the full width as required by these subdivision regulations.

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

7-1-10 DRAINAGE EASEMENTS

Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage easement conforming substantially to the lines of such watercourse, and of such width and construction as will be adequate for the purpose.

1278 370
MISC Book & Page

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

1278 371
MISC Book & Page

ARTICLE VIII

GUARANTEE OF COMPLETION OF IMPROVEMENTS

- 8-1 INSTALLATION OF REQUIRED IMPROVEMENTS
- 8-2 IMPROVEMENTS, INSPECTION AND CERTIFICATION
- 8-3 REDUCTION OF GUARANTEES
- 8-4 RELEASE OF GUARANTEE

SECTION 8-1. INSTALLATION OF REQUIRED IMPROVEMENTS

The subdivider shall be responsible for the provision of all required improvements to the subdivision. This may be accomplished by either the full installation of all required improvements by the developer at the time the Final Plat is to be submitted to the Planning Commission, or, if authorized by the Planning Commission, by the provision of a financial guarantee of performance under conditions set out in these regulations.

8-1-1 SUBDIVISION IMPROVEMENT BOND

The guarantee of performance by the subdivider shall be in the form of an acceptable surety and shall meet the following requirements:

- (1) **ACCEPTANCE OF SURETY:** The surety must be approved by the Planning Commission;
- (2) **VALUE OF SURETY:** The surety shall be of an amount equal to 150 percent of the estimated cost of installing all improvements, including, but not limited to, grading, paving of the streets, and installation of all required utilities and fees encountered during execution of improvements. Estimated costs shall be provided by the developer's engineer and approved by the County Engineer.

8-1-2 FAILURE TO COMPLETE WORK

If within twenty-four (24) months after filing said Commercial Surety Bond, the subdivider has not completed all necessary improvements, or if in the opinion of the County Engineer, said improvements have not been satisfactorily installed, the bond shall be used by the County to complete the improvements in satisfactory fashion, or the City may take such steps as may be necessary to require performance under the bond.

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

SECTION 8-2. IMPROVEMENTS, INSPECTION AND CERTIFICATION

The County Engineer or his or her designee shall monitor and periodically inspect for defects in the construction of the required improvements. The applicant shall pay to the County the inspection fee as set out in Section 4-5-2 and authorized by Code of Alabama 1975, 11-52-1 et seq., and the Chairman of the Planning Commission shall not sign the final subdivision plat unless such fees have been paid at the time of application. These fees shall be due and payable upon demand of the County. If the County Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the County's adopted construction standards and specifications, the applicant shall be responsible for correcting any deficiencies. Wherever the cost of improvements is covered by a surety, the applicant and the Surety Company shall be severally and jointly liable for completing or paying the cost of the improvements according to specifications.

Upon completion of the improvements, the applicant shall file with the County Engineer a statement stipulating the following:

- (1) That all required improvements are complete;
- (2) That these improvements are in compliance with the minimum standards specified by the Planning Commission and the County Engineer for their construction;
- (3) That the applicant knows of no defects from any cause in those improvements; and
- (4) That these improvements are free and clear of any encumbrances or liens.

SECTION 8-3. REDUCTION OF GUARANTEES

In those cases where an improvement surety bond has been made under Section 8-1-1 of these regulations, the amount of the surety may be reduced upon actual dedication of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvements for the plat. In no event shall a surety be reduced below 50 percent of the principal amount until all required improvements are completed.

SECTION 8-4. RELEASE OF GUARANTEE

Upon satisfactory completion of all improvements and approval by the County Engineer, the Planning Commission shall authorize the release of the remaining portion of the improvement surety bond.

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

1278 373
NISC Book & Page

ARTICLE IX

VARIANCES

- 9-1 GENERAL
- 9-2 CONDITIONS

SECTION 9-1. GENERAL

A variance may be granted in circumstances where the developer demonstrates that extraordinary hardships or practical difficulties, such as commercial development, may result from strict compliance with these regulations. The initial application shall be made to the Planning Commission as part of the application for preliminary review set out in Section 4-4-1. The County Engineer shall review the application and the circumstances, and shall approve or disapprove the variance in writing. The Engineer's report shall set out in detail the basis for the approval or disapproval.

If the Zoning Board of Adjustment grants the variance, he or she may require that it be conditioned upon the developer complying with special requirements as set out in the approval.

If the Zoning Board of Adjustment denies the request for variance, the developer may appeal that decision to the Circuit Court of Appeals within fifteen (15) days. The County Engineer shall be present at the Zoning Board of Adjustment meeting and shall present his or her reasons for the variance not being granted. The developer shall also be given an opportunity to be heard. A decision to grant the variance shall be made by recorded vote and shall require a majority of the membership of the Zoning Board of Adjustment.

In determining whether to grant the variance, the County Engineer and the Zoning Board of Adjustment shall make findings based upon the evidence presented to it in each specific case that:

- (a) The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property;
- (b) The conditions for which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
- (c) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;
- (d) The variance will not in any manner vary the provisions of other adopted policies and regulations of the City.

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

SECTION 9-2. CONDITIONS

In approving variances, the Zoning Board of Adjustment may require such conditions as will, in its judgment, secure substantially the objectives, standards or requirements of these regulations.

The Zoning Board of Adjustment shall not grant any variance within the floodway unless the developer submits a study prepared by a registered professional engineer certifying that no increase in the 100-year flood level would result from the proposed development.

Within other areas subject to flooding, variances shall only be issued upon a determination by the Zoning Board of Adjustment that the relief granted is the minimum necessary considering the flood hazard.

1278 374
HISC Book & Page

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

ARTICLE X

CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS

- 10-1 PUBLIC PROVISIONS**
- 10-2 PRIVATE PROVISIONS**

SECTION 10-1. PUBLIC PROVISIONS

1278 375
MISC Book & Page

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, the provisions of which are more restrictive or impose higher standards shall control.

SECTION 10-2. PRIVATE PROVISIONS

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction; provided, however, that where the provision of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. To the extent that any easement, covenant, or private agreement is not inconsistent with these regulations or any determinations made by the Planning Commission in approving a subdivision or in enforcing these regulations, such private provisions shall be operative and supplemental to these regulations and any determinations made thereunder.

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

ARTICLE XI

LEGAL PROVISIONS

1278 376
MISC Book & Page

- 11-1 SEVERABILITY**
- 11-2 SAVINGS PROVISION**
- 11-3 INCORPORATION BY REFERENCE**

SECTION 11-1. SEVERABILITY

If any part or provision of these regulations is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined to its terms and shall not affect or impair the validity of the remainder of these regulations or their application to other persons or circumstances.

SECTION 11-2. SAVINGS PROVISION

Except as expressly provided in these regulations, these regulations shall have prospective application only and shall not be construed as abating, modifying, or altering any action, including any penalty, pending under any subdivision regulations in existence on the effective date of these regulations. These regulations shall not affect the rights or liability of any person, firm, or corporation, nor operate as a waiver of any right of the City under any section or provision existing at the time of adoption of these regulations. Notwithstanding the foregoing, any application for plat approval made after the Planning Commission's adoption of these regulations which is pending on the effective date of these regulations shall be reviewed, approved, or disapproved in accordance with these regulations, provided that the owner or developer was given written notice at the time of application that these regulations would be utilized in the approval of the subdivision's design and development.

SECTION 11-3. INCORPORATION BY REFERENCE

Code of Alabama 1975, ' 11-52-1 et seq., 22-26-7, 23-4-1 et seq., 23-4-1 et seq., 35, 2-50 et seq., and Act 90-195 are hereby specifically incorporated by reference and made a part of these regulations.

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

APPENDIX I

PLAT CERTIFICATES

1278 377
MISC Book & Page

Example A

(Preliminary Plat)

CERTIFICATE OF ENGINEERING DESIGN BY A PROFESSIONAL ENGINEER

I, _____, a professional engineer licensed in the State of Alabama, License Number _____, do hereby certify that the streets and drainage system for _____ Subdivision have been designed under my supervision.

I further certify that the drainage system has been designed to meet the 25 year storm criteria. This design will ensure that all drainage waters occurring during a storm of less than 25 year storm magnitude will flow within the rights-of-way or drainage easements indicated as such on the official plat for this subdivision.

I further certify that the streets are designed for a design speed of _____ to meet applicable design criteria for safety, geometry, profile, and typical sections according to the Alabama Department of Transportation's "County Road Design Policy."**

NAME _____

P.E.# _____

TITLE _____

FIRM _____

DATE _____

** Refer to Section 5-4-3 for correct design criteria depending on ADT.

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

1278 378
MISC Book & Page

Example B

(Final Plat)

SURVEYOR' S CERTIFICATE AND DESCRIPTION OF LAND PLATTED

STATE OF ALABAMA)
COUNTY OF LEE)

I, (name of surveyor), a Licensed Professional Land Surveyor in the State of Alabama, for (Survey Company) state that this is a plat of an actual field survey of lots through _____, inclusive of (Name of Subdivision), more particularly described as follows:

**DESCRIPTION
(Outboundary Description)**

I further state that this survey and plat meets the Minimum Technical Standards as set forth by the Alabama State Board of Licensure for Professional Engineers and Land Surveyors in Rule 330-X-14-.05 (G) on March 31, 1990 (or most current revised rule) to the best of my knowledge, information and belief.

This the _____ day of _____, 20____.

_____(Signature of Surveyor)_____

_____(Typed Name of Surveyor) _____

Alabama License # _____

Note: One of the following notary's acknowledgments must appear for each Surveyor' s Certificate (see example E-1 and E-2). Surveyor' s name should be used in the Acknowledgement.

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

1278 379
MISC Book & Page

Example C

(Final Plat)

ENGINEER'S CERTIFICATE OF ENGINEERING DESIGN AND CONSTRUCTION

I, _____, a professional engineer licensed in the State of Alabama, License Number _____, do hereby certify that the streets and drainage system for _____ Subdivision have been designed and constructed under my supervision in accordance with the construction plans submitted to the County Engineer.

I further certify that the drainage system has been designed and constructed to meet the 25 year storm criteria. This design will ensure that all drainage waters occurring during a storm of less than 25 year storm magnitude will flow within the rights-of-way or drainage easements indicated as such on the official plat for this subdivision.

I further certify that the streets are designed and constructed for a design speed of _____ to meet applicable design criteria for safety, geometry, profile, and typical sections according to the Alabama Department of Transportation's "County Road Design Policy." **

I further certify that I have checked all test reports and that all base material, concrete, and asphalt have been installed in accordance with the typical sections, profiles and plan details and meet minimum requirements as set out in the most current edition of the State of Alabama Department of Transportation's Standard Specifications for Highway Construction.

I further certify that all Federal and State permits required for construction of the subdivision were obtained and complied by during construction.

NAME _____

P.E.# _____

TITLE _____

FIRM _____

DATE _____

** Refer to Section 5-4-3 for correct design criteria depending on ADT.

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

1278 380
MISC Book & Page

Example D

**(Final Plat)
DEDICATION**

I, _____, the owner(s) of said lands surveyed by _____, do hereby certify that title was and is vested in said owner(s) and join in the foregoing statement made by said _____, and as stated in Code of Alabama 1975, Section 35-2-50 et seq., do hereby certify that it was and is my (our) intention to divide said lands into lots as shown by said plat and do hereby dedicate, grant, and convey for public use the streets, alleys and public grounds as shown on said plat.

Signed and sealed in the presence of:

Property Owner

Note: One of the following notary's acknowledgments must appear for each Dedication Certificate (see example E-1 and E-2). Owner's name should be used in Acknowledgement.

In cases where a subdivision is to remain private, the above dedication (Example D) shall state that the "streets, alleys, and public grounds shall remain private grounds as shown on said plat."

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

1278 381
NISC Book & Page

Example of (E-1)

ACKNOWLEDGMENT

STATE OF ALABAMA)
COUNTY OF LEE)

I, _____, Notary Public in and for said County, in said State, hereby certify that (corporate officer's name), whose name as (title) of the (corporation name), is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the content of the instrument, he/she as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

GIVEN under my hand and official seal this _____ day of _____, 20____.

NOTARY PUBLIC

Example of (E-2)

ACKNOWLEDGMENT

STATE OF ALABAMA)
COUNTY OF LEE)

I, _____, Notary Public in and for said County, in said State, hereby certify that (owner's or surveyor's name), whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the content of the instrument, executed the same voluntarily.

GIVEN under my hand and official seal this _____ day of _____, 20____.

NOTARY PUBLIC

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

1276 382
MISC Book & Page

Example F

(Final Plat)

CERTIFICATE OF APPROVAL BY THE (insert name of electric utility)

The undersigned, as authorized by the (name of electric utility) hereby approved the within plat for the recording of same in the Probate Office of Lee County, Alabama, this _____ day of _____, 20____.

(Electric utility authorized signature)

Example G

(Final Plat)

**CERTIFICATE OF APPROVAL BY THE
(insert name of water and sewer, if available, utility)**

The undersigned, as authorized by the (name of water and sewer utility) hereby approved the within plat for the recording of the same in the Probate Office of Lee County, Alabama, this the _____ day of _____, 20____.

(Water and Sewer utility authorized signature)

Example H

(Final Plat)

CERTIFICATE OF APPROVAL BY THE COUNTY ENGINEER

The undersigned, as County Engineer of the City of Smiths Station, Alabama, hereby certifies that the City of Smiths Station Planning Commission approved the within plat for the recording of same in the Probate Office of Lee County, Alabama, this _____ day of _____, 20____.

County Engineer
City of Smiths Station, Alabama

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

Example I

(Final Plat)

CERTIFICATE OF APPROVAL BY THE PLANNING COMMISSION

The within plat of (Subdivision Name), Lee County, Alabama, is hereby approved by the Planning Commission of the City of Smiths Station, Alabama, this the _____ day of _____, 20____.

**PLANNING COMMISSION OF THE
CITY OF SMITHS STATION, ALABAMA**

Chairman

1278 383
MISC Book & Page

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

APPENDIX II

1278 384
MISC Book & Page

SAMPLE APPLICATIONS

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

1278 385
MISC Book & Page

APPLICATION FOR PRELIMINARY REVIEW

DATE: _____

1. Name of Subdivision _____

2. Name of Applicant _____ Phone _____

Address _____

3. Owner of Record _____

Address _____

4. Engineer _____ Phone _____

Address _____

5. Land Surveyor _____ Phone _____

Address _____

6. Attorney _____ Phone _____

Address _____

7. Subdivision Location: _____

8. Total Acreage _____ Number of Lots _____

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

9. Has this plan been before the Planning Commission in the past? ____ If yes, have any changes been made since the plans were last before the Planning Commission? _____. If so, describe the changes: _____

10. List all adjacent property owner(s) name and addresses.

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

11. Contact person, utility name and address of any utility involved or affected by this subdivision. (Please attach)

12. Attach five (5) copies of proposed preliminary plans.

13. Attach three (3) copies of construction plans.

1278 386
NISC Book & Page

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION
APPLICATION FOR FINAL PLAT APPROVAL**

1278 387
MISC Book & Page

DATE: _____

1. Name of Subdivision _____

2. Name of Applicant _____
Phone _____

Address _____

3. Owner of Record _____

Address _____

4. Engineer _____ Phone _____

Address _____

5. Land Surveyor _____ Phone _____

Address _____

6. Attorney _____ Phone _____

Address _____

7. Subdivision Location: _____

8. Total Acreage _____ Number of Lots _____

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

1278 388
HISC Book & Page

9. Has the Zoning Board of Adjustment granted any variance to the subdivision regulations concerning this property? _____ If so, describe

10. Date of preliminary plan review _____

11. Have any changes been made since the preliminary plans have been reviewed? _____. If so please describe:

12. Attach the original tracing of the final plat and three (3) black or blueline prints with all required signatures except the signature of the County Engineer and the Chairman of the Planning Commission.

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

1278 389
MISC Book & Page

APPENDIX III

ACCEPTANCE OF ROADS AND STREETS FOR COUNTY MAINTENANCE

As stated in Section 1-1, the purpose of these regulations is not to provide acceptance of roads into the county maintenance system, but rather to provide approval of the design and layout of a proposed subdivision as required by Code of Alabama 1975, 11-52-1 et seq.

The City of Smiths Station Planning Commission by Resolution, has adopted the road design standards of these Subdivision Regulations as part of their acceptance policy for roads and streets.

After the subdivision receives final approval from the Planning Commission, the developer or owner may request, in writing, to the County Engineer for the start of a one year maintenance period on the subdivision road(s). The developer shall maintain the road(s) for a one year maintenance period. At the end of the year, the road shall be returned to the same or similar condition as it was at the beginning of the one year period, as determined by the County Engineer. The developer shall be required, upon direction by the County Engineer, to place a one hundred and fifty pounds per square yard (150 lbs/sy) wearing surface after the one year maintenance period. The developer shall then request in writing to the County Engineer for the road(s) to be accepted into the county's maintenance system. The County Engineer shall present his recommendation for acceptance to the County Commission.

**SUBDIVISION REGULATIONS
CITY OF SMITHS STATION
PLANNING COMMISSION**

APPENDIX IV

AMENDMENTS

1278 390
NISC Book & Page